

REMARKS**In the Claims****Double Patenting**

Claims 1, 2, 15 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 7013206, Stiller et al.

To overcome this rejection, all limitations of claims 2 and 3 were included in claim 1. Since claim 3 was not indicated to be subject to this rejection, claim 1 as amended overcomes the rejection. Claims 2 and 3 have been canceled accordingly.

Claim 15, which while depending on original claim 1 was rejected, now depends on amended claim 1 and thus does not constitute a double-patenting issue, either.

35 USC § 102

Claims 1-4 and 9-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Mitsui (U.S. Patent No. 5,100,166).

With respect to claim 3, Applicant respectfully disagrees with the Examiner's rejection.

Mitsui shows a method wherein an acceleration measured includes at least one of a longitudinal acceleration and a transvers acceleration. However, the accelerations measured by Mitsui are individual wheel accelerations, not a vehicle acceleration. The accelerations for each of the wheels are measured by a vibration detecting device 21 in order to determine vibrations to be damped (column 4, lines 11-26). They do not represent the vehicle acceleration, for each wheel may accelerate in a different direction.

On the other hand, a vehicle acceleration is not suitable to determine wheel vibration. It can be used, however, to determine a shift of the center of gravity of the vehicle and thus its contribution to the individual wheel loads.

Accordingly, the measured quantities of Mitsui and the present invention (wheel acceleration vs. vehicle acceleration) as well as their potential uses (wheel vibration vs. load shift) are completely different.

Claim 1 has been amended to include the limitations of claim 2 and 3 to

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overcome Mitsui. It is thus believed to be patentable. Claims 4-16 are dependent on claim 1 and are thus believed to be patentable as well.

Claim 17 has been canceled.

Claim 18 has been amended to include the limitations of claim 20 and to specify that horizontal (i.e. at least longitudinal or transverse) vehicle accelerations are measured and made the basis of the wheel load calculation. Accordingly, the same reasoning applies here as to claim 1 and the limitations of claim 3.

Claim 18 is thus believed to be patentable. Claims 19 and 21 are dependent on claim 18 and believed to be patentable as well.

35 USC § 103

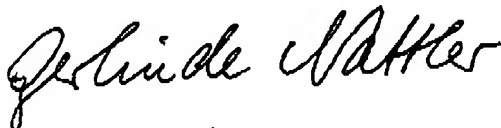
Claims 5-8 and 19-21 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Mitsui (claim 2) and over Miller in view of Welberle (UA 2002/0013651).

Since claims 5-8, directly or indirectly, depend on amended claim 1, and since claims 19 and 21 depend on amended claim 18, which Applicant deems patentable, it is believed that the dependent claims are patentable as well.

CONCLUSION

After the claims have been amended to overcome all raised rejections, Applicant believes that the present application is in proper shape for allowance.

Respectfully submitted,



Gerlinde M. Nattler
Registration No. 51272
Continental Teves, Inc.
One Continental Drive
Auburn Hills, MI 48326
(248) 393-8721
Agent for Applicants